

10/507156

DT15 Rec'd PCT/PTO 07 SEP 2004

Docket No.: N0008.0001

(PATENT)

Express Mail Label No.: EV 262 741 555 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tadatake Oku et al.

Application No.: Not Yet Assigned

Confirmation No.: To Be Assigned.

Filed: September 7, 2004

Art Unit: To be Assigned

For: NOVEL HEME PEPTIDE

Examiner: To be Assigned.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- ☒ This IDS is being filed before the First Office Action¹.
- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee³.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy⁴ of each document (or relevant portion thereof) that is cited in the attached PTO/SB/08.
- ☒ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:
- ☐ An English abstract or a partial translation of the relevant portions of the non-English language information⁵;
- ☐ A statement explaining the relevant portions of the non-English language information;

³ The IDS must include both a certification under 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, “is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).”

☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application in which the information was cited; or

☒ This information is contained in the specification of the present application.

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is “material” pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report. MPEP §609 III A(3).

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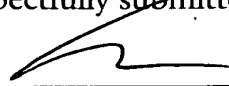
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In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: September 7, 2004

Respectfully submitted,

By 

Charles E. Miller

Registration No.: 24,576

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

CEM/IY/da

Substitute for form 1449A/B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	Not Yet Assigned ⁴ 10/507156
				Filing Date	Concurrently Herewith
				First Named Inventor	Tadatake Oku
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	N0008.0001

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Samya Othman, et al.; "Resonance Raman investigation of lysine and N-acetylmeihionine complexes of ferric and ferrous microperoxidase"; European Biophysics Journal; 1999; Vol. 28(1); pp. 12 - 25	
	CB	Jinn-Shyan Wang, et al.; "Temperature-and-pH-dependent Changes in the Coordination Sphere of the Heme c Group in the Model Peroxidase Na-Acetyl Microperoxidase-8*"; The Journal of Biological Chemistry; 1992; Vol. 267(22); pp. 15310 - 15318	
	CC	Shyamalava Mazumdar, et al.; "Stability and Characterization of Iron(III) and Iron(II) Heme Peptides Encapsulated in Aqueous Detergent Micelles: 1H NMR and UV-Vis Spectroscopic Studies"; Inorganic Chemistry; 1991; Vol. 30(4); pp. 700 - 705	
	CD	Richard E. Dickerson, et al.; "Ferricytochrome c"; The Journal of Biological Chemistry; 1971; Vol. 246(5); pp. 1511 - 1535	
	CE	Seiji Yamada, et al.; "Structure of cytochrome c6 from the red alga Porphyra yezoensis at 1.57 A resolution"; Acta Crystallographica Section D; Biological Crystals; 2000; Vol. D56(12); pp. 1577 - 1582	
	CF	"Issanka Chisso (NO) no Haem Tanpaku-shitsu ni yoru Hosoku"; Kagaku to Seibutsu; 1996; Vol. 34(12); pp. 784 - 785	
	CG	Seiji Yamada, et al.; "Characterization and Amino Acid Sequences of Cytochromes c6 from Two Strains of the Green Alga Chlorella vulgaris"; Bioscience Biotechnology and Biochemistry; 2000; Vol. 64(3); pp. 628 - 632	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.